



UNITED STATES PATENT AND TRADEMARK OFFICE

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Blank Rome LLP
600 New Hampshire Avenue, N.W.
Washington, DC 20037

Technology Center 2100

In re Application of: Ricky B. Combest)
Application No.: 09/539,662) **DECISION ON PETITION UNDER 37**
Filed: March 30, 2002) **C.F.R. § 1.181 TO WITHDRAW**
For: DYNAMIC VIRTUAL NETWORK) **HOLDING OF ABANDONMENT**
AND METHOD)

This is a decision on the petition filed September 12, 2003 under 37 CFR § 1.181 to a withdraw the holding of abandonment of the above-identified application.

This application was held abandoned for failure to respond in a timely manner to the Office Action mailed March 5, 2003. A Notice of Abandonment was mailed September 9, 2003.

A review of the file record reveals that a response accompanied by the appropriate fees for a three month extension of time and additional claims was received on September 5, 2003 within the statutory period for response. The fees were posted to the application September 8, 2003.

The record is clear that the application was *not abandoned in fact* and a Notice of Abandonment should not have been issued. Therefore, the petition is **GRANTED**. The Notice of Abandonment is withdrawn.

The office regrets any inconvenience caused by the precipitate mailing of the Notice of Abandonment.

The application file is being forwarded to the Technology Center support staff for processing of the response. The file will then be forwarded to the Examiner for appropriate action.

Pinchus M. Laufer

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